

# **Bond Case Briefs**

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## **EMINENT DOMAIN - CALIFORNIA**

### **People ex rel. California Department of Transportation v. Hansen's Truck Stop, Inc.**

**Court of Appeal, First District, Division 4, California - April 24, 2015 - Cal.Rptr.3d - 2015 WL 1877332**

Department of Transportation brought eminent domain action. The Superior Court entered judgment on special jury verdict awarding compensation between the statutory offer and demand, and denied litigation expenses based on its finding that landowner's demand was unreasonable. Landowner appealed.

The Court of Appeal held that offers and demands used as basis for award of litigation expenses may be made after first phase of eminent domain trial.

Offers and demands used as the basis for an award of eminent domain litigation expenses must be made 20 days before the trial on the amount of compensation to be awarded, not necessarily before phase one of a bifurcated proceeding in which preliminary issues of the property owner's right to seek damages for impairment of access, loss of goodwill, or other severance damages are adjudicated, since the phrase "trial on issues relating to compensation" found in the statute has a particular meaning in eminent domain practice, and refers to the trial in which the trier of fact determines the amount of compensation, including the amount of damages if any, to be awarded to the property owner.